

REMARKS

Claims 5-40 are pending and stand rejected. In response, claims 5-11, 17-23, and 29-35 are amended, and claims 14, 26, and 38 are cancelled. Claims 5-13, 15-25, 27-37, and 39-40 remain pending upon entry of this amendment.

Applicants thank Examiners for the interview on August 8, 2003. A summary of that interview and the remaining rejections are addressed as follows:

I. REJECTIONS UNDER § 101

In paragraph 1 of the Office Action, Examiner rejected claims 5-28 under 35 U.S.C. § 101 as claiming non-statutory subject matter. As briefly discussed with Examiner Moorthy, independent claims 5 and 22, as now amended, are expressly directed towards a "computer-implemented" system and method respectively. Therefore, Applicant submits that claims 5 and 22 claim statutory subject matter under § 101. Moreover, since claims 6-21 and 18-27 depend from independent claims 5 and 17, these claims also claim statutory subject matter. If Examiner maintains the rejection, Applicants respectfully request that the Examiner provide a more detailed explanation of the rejection in view of MPEP 2106 so that applicants can fully address the Examiner's concerns.

II. REJECTIONS UNDER § 112(1)

In paragraph 2 of the Office Action, Examiner rejected claims 14, 26 and 38 under 35 U.S.C. § 112(1). Since claims 14, 26 and 38 have been cancelled, this rejection is no longer relevant.

III. REJECTION UNDER § 112(2)

In paragraph 3 of the Office Action, Examiner rejected claim 40 under 35 U.S.C. § 112(2) based on "the updating" having insufficient antecedent basis. The rejection stems from a

typographical error, i.e., claim 40 depended from claim 29 rather than claim 39. As corrected in amended claim 40, the claim properly depends from claim 39, which provides sufficient antecedent basis for "the updating" in "updating." Because there is proper antecedent basis, Applicant submits the rejection of claim 40 is proper under § 112(2).

IV. REJECTIONS UNDER § 102(E) / INTERVIEW SUMMARY

In paragraph 4 of the Office Action, Examiner rejected claims 5-14, 17-26 and 29-38 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,415,321 issued to Gleichauf (Gleichauf '321) in view of Microsoft Computer Dictionary. On August 8, 2003, an interview took place between Examiners Aravind Moorthy and Ly Hua and Applicants' attorney. During the interview, Applicants' attorney explained the proposed amendments to claim 5 (as amended herein) are not disclosed by Gleichauf '321 in view of the Microsoft Computer Dictionary because neither reference teaches or discloses a VDS that determines vulnerabilities from a *plurality of hosts* in combination with an IDS that, based upon the determined vulnerabilities of a *host*, detects malicious activity in traffic directed to that host. Examiners and Applicants' attorney reached agreement that these references do not teach or disclose the features of amended claim 5 (as indicated by Examiner Moorthy in a follow-up telephone call to Applicants' attorney). Examiner and Applicants' attorney further agreed that U.S. Patent No. 6,324,656, also issued to Gleichauf, does not cure the deficiencies of Gleichauf '321. Accordingly, the amendments made herein overcome the § 102(e) rejection.

Because independent claims 17 and 29 are similar in scope to claim 5, Applicants submit that the rejections under § 102(e) are likewise overcome. Furthermore, because claims 6-16, 18-28, and 30-40 depend from independent claims 5, 17 and 29 respectively, in addition to citing their own patentable features, these claims are also patentable over the cited references.

CONCLUSION

In sum, Applicant respectfully submits that claims 5-13, 15-25, 27-37, and 39-40, as presented herein, are patentably distinguishable over the cited references. Therefore, Applicant requests reconsideration and allowance of these claims.

In addition, Applicant welcomes Examiner to contact Applicant's attorney at the number provided below if Examiner believes it will help expedite furtherance of this application.

RESPECTFULLY SUBMITTED,
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Date: 8/21/03

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AUG 22 2003

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